

**ORDINANCE NO. 3819**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO ESTABLISH THE CITIZENS ADVISORY COMMISSION ON SALARIES AND BENEFITS."

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

**SECTION 1: Title.**

This ordinance shall be known as the Citizen's Advisory Commission on Salaries and Benefits Ordinance.

**SECTION 2: Establishment.**

The Citizens Advisory Commission on Salaries and Benefits (hereinafter referred to as the "commission") is hereby established.

**SECTION 3: Composition; terms of service; officers.**

- (a) *Members of commission.* The commission shall consist of five (5) members, all of whom shall be appointed by the mayor and city council from the public at large. The members of the commission must be residents of the city. The mayor and city council shall endeavor to appoint persons to the commission who have work experience and/or professional qualifications which relate to the purposes the commission is intended to serve.
- (b) *Term of service.* The members of the commission shall serve at the will of the mayor and city council until such time as they resign or are removed.

(c) *Appointment of officers.*

(1) *Chairperson.* The members of the commission shall annually elect a chairperson from among their members. The chairperson shall preside over meetings. In the event the chairperson is absent from a particular meeting, the members in attendance may select an acting chairperson from those present to preside over that meeting.

(2) *Secretary.* The members of the commission shall appoint a secretary. The secretary need not be a member of the commission.

**SECTION 4: By-laws; quorum.**

(a) *By-laws.* The commission may but is not required to adopt by-laws for the efficient conduct of its affairs.

(b) *Quorum.* Three (3) members of the commission shall constitute a quorum. The commission may not conduct its business unless a quorum is present.

**SECTION 5: Compensation; expense reimbursement.**

Members of the commission shall not be compensated, but they shall be entitled to reimbursement for expenses as authorized by the mayor and city council.

**SECTION 6: General purpose.**

The general purpose of the commission shall be to study the salaries and benefits of the city's full-time employees and the mayor and city councilpersons in order to ascertain and report whether they are competitive in relation to the salaries and benefits of similarly situated government employees.

**SECTION 7. Parameters applicable to study.**

The following parameters shall apply with respect to the work to be performed by the commission.

- (a) *Local government comparisons.* To the extent practicable, the commission shall focus on the manner in which similar local governments in Maryland compensate their employees. In that the city primarily draws its employees from geographically proximate markets, the commission may also focus on the manner in which local government employees are compensated in Allegany, Garrett and Washington Counties in Maryland, Bedford County in Pennsylvania and Mineral County in West Virginia. The local government entities to be considered shall include county and municipal governments and county sheriffs' offices.
- (b) *Salary & benefits.* In comparing the salary and benefits of other local government employees to those of city employees, the commission may consider: (i) whether health insurance is provided and, if so, the percentage of the premiums employees are required to pay, the dollar amounts of the premiums which are paid by the employers, deductible amounts and the quality of the coverage provided; (ii) whether retirement benefits are provided and the dollar amount of employer contributions; (iii) holiday, vacation and sick leave; (iv) holiday, vacation and sick leave buy back provisions; (v) the dollar amounts of any clothing, equipment or eyeglass purchase allowances and uniform cleaning allowances; (vi)

the amounts budgeted for compensation in addition to statutorily required amounts which are paid to employees who are off work on workers' compensation; and (vii) such other benefits as the commission deems relevant. To the extent possible, dollar values should be assigned to those benefits.

- (c) *Cost of living.* The commission may consider the extent to which the cost of living in the markets it uses for comparison purposes differs from that of the city.

**SECTION 8:        Order of work, recommendations.**

The commission shall conduct its work as to particular departments and groups of employees in the order directed by the mayor and city council. Upon completing the study as to a particular department or group of employees, the commission shall present the mayor and city council with written findings regarding the competitiveness of those employees' salaries and benefits. The commission's findings shall be strictly advisory in nature and the mayor and city council shall not be obligated to take any action pursuant thereto. The findings shall be available for public inspection.

**SECTION 9:        Outside influences, city staff  
                         assistance**

- (a) *Outside influences.* The commission shall perform its work free from the involvement of parties seeking to influence its outcome. It shall not be subject to lobbying for particular outcomes by the mayor and city council, city officials, management employees, collective bargaining units

or employees, the general public, or by any other parties. Consistent with the foregoing, commission members are discouraged from discussing their work with persons other than their fellow commission members except to the extent such communications are necessary for the purpose of gathering the information they need to perform their duties.

(b) *City staff assistance.* It is expected that the commission will require assistance gathering the data its members need to perform their duties. Upon request made to either the city administrator or city clerk, such assistance shall be provided. Further, to the extent the commissioners require assistance regarding how this ordinance should be interpreted or the manner in which it should be implemented, they may request assistance from either the city administrator, the city clerk or the city solicitor. However, in providing assistance, those officials may not direct the commission as to what its findings must be.

(c) *Closed session meetings.* In order to limit the opportunities for outside parties to influence the commission's findings, as permitted under section 3-305(b)(1) of the General Provisions Article of the Annotated Code of Maryland, it shall meet in closed session when discussing matters that pertain to the substance of its work but not as to purely administrative matters. The commission shall comply with sections 3-305(d)

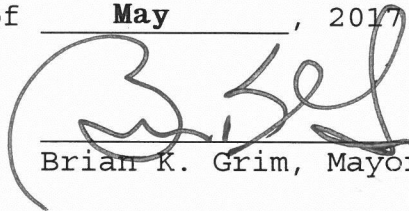
and 3-306 of the General Provisions Article and its secretary shall oversee compliance issues.

**SECTION 10: Termination date.**

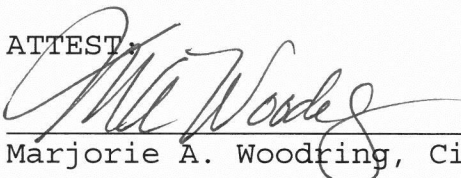
This ordinance shall not be included in the city code as it is a temporary measure which shall be of no further force and effect as of February 28, 2019, unless said date is extended by order of the mayor and city council.

**SECTION 11:** This Ordinance shall take effect from the date of its passage.

Passed this 16th day of May, 2017.

  
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Brian K. Grim, Mayor

ATTEST:

  
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Marjorie A. Woodring, City Clerk

1st reading: May 2, 2017  
2nd reading: May 16, 2016  
3rd reading: May 16, 2016  
Passed 5-0